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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 CHARLENE L. SLAUGHTER,
15 Plaintiff,
16
17 v.
18 JO ANNE B. BARNHART,
Commissioner of
Social Security,
19 Defendant.
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CASE NO. **2:05-CV-00460-GGH**

STIPULATION AND ORDER
REMANDING THE CASE TO THE
COMMISSIONER OF SOCIAL
SECURITY AND DIRECTING THE
CLERK TO ENTER JUDGMENT

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22 IT IS HEREBY STIPULATED by the parties, through their
23 undersigned attorneys, and with the approval of the Court as
24 provided below, that the Commissioner has agreed to a voluntary
25 remand of this case pursuant to sentence four of 42 U.S.C. §
26 405(g) for further proceedings. The purpose of the remand is to
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1 offer Plaintiff a new hearing and decision.

2 Upon remand, the Appeals Council will remand this case to
3 an Administrative Law Judge (ALJ) and direct him or her to re-
4 evaluate the credibility of Plaintiff's subjective complaints in
5 accordance with the regulations and Social Security Ruling (SSR)
6 96-7p and explain the weight accorded the third-party evidence
7 (Plaintiff's husband's testimony). The ALJ will also be directed
8 to re-contact treating sources as necessary and address all
9 medical opinions in accordance with the regulations and SSR 96-
10 5p. In addition, the ALJ will be directed to consider
11 Plaintiff's obesity, a diagnosis identified in the new evidence
12 submitted to the Appeals Council. The ALJ will take any other
13 action necessary to complete the administrative record and issue
14 a new decision.

15 It is further stipulated that the decision below is
16 hereby vacated and that the Clerk of this Court shall be directed
17 to enter a separate judgment herein, as provided for under Rules
18 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to
19 Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

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28 Stip & Order of Remand
2:05-cv-00460-GGH

1 The parties further stipulate that Plaintiff's counsel
2 shall return a facsimile of this stipulation bearing his
3 signature for retention by Defendant's counsel, and that
4 Defendant shall e-file this stipulation pursuant to applicable
5 local rules.

6 DATED: May 11, 2006

By: /s/ Richard A. Whitaker

RICHARD A. WHITAKER

Attorney at Law

Attorney for Plaintiff

10 DATED: May 11, 2006

McGREGOR W. SCOTT

United States Attorney

BOBBIE J. MONTOYA

Assistant U.S. Attorney

13 By: /s/ Bobbie J. Montoya for

DENNIS J. HANNA

Special Assistant U. S. Attorney

Attorneys for Defendant

15 OF COUNSEL:

16 LUCILLE GONZALES MEIS

Chief Counsel, Region IX

17 U.S. Social Security Administration

ORDER

This matter is remanded under sentence four of 42 U.S.C. § 405(g) for further proceedings, pursuant to the stipulation of the parties. The case is dismissed and the Clerk is directed to enter Judgment.

SO ORDERED.

DATED: 5/19/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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